

REMARKS

Claims 1-20 were pending in the above-captioned application, with claims 13-20 withdrawn due to a restriction requirement (election of claims 1-12 for prosecution on the merits is hereby affirmed). Claims 1, 3-6, 8 and 9 have been amended herein and claims 2 and 7 canceled in order to more clearly define and fully protect Applicants' invention. Allowance of all claims 1, 3-6 and 8-12 is respectfully requested.

Claim 1 has been amended herein to incorporate the limitations of claim 2, with claim 2 canceled and claims 3-5 amended to correct dependency. Claim 6 has been amended herein to incorporate the limitations of claim 7, with claim 7 canceled and claims 8 and 9 amended to correct dependency.

Rejection Under 35 U.S.C. §112

The Office Action rejects claims 6-12 as being indefinite since it is unclear whether the claimed graphite sheet is laminated to a "substrate" or to another graphite sheet. Applicants respectfully disagree, and assert the claimed laminate can comprise a laminate of a plurality of graphite sheets or a laminate of a graphite sheet with a different material (whether or not termed a substrate). Nonetheless, in the interest of expediting prosecution, claim 6 has been amended he to specify that the claimed laminate is of a plurality of graphite sheets. Withdrawal of this rejection is, therefore, appropriate and requested.

Prior Art Rejections

Claims 1-5 stand rejected under 35 U.S.C. §102(b) over Mercuri et al. (U.S. 6,432,336). In addition, claims 1-5 also stand rejected under 35 U.S.C. §102(b) over Aylsworth (U.S. 1,137,373).

Claims 6-12 stand rejected under 35 U.S.C. §103(a) over Mercuri in view of Mercuri II (U.S. 5,192,605) or in view of Yoshimura (U.S. 5,017,209).

Since none of the cited references anticipates the claimed invention, nor, even if combined in the manner of the Office Action, render the invention obvious, withdrawal of the rejections of claims 1, 3-6 and 8-12 is believed appropriate and is respectfully requested.

More particularly, the Office Action equates the individual graphite particles of the sheet formed in Mercuri with individual layers, and argues that since these layers "appear" randomly positioned in the resin, a non-uniform composition results. Put simply, however, Mercuri teaches the production of flexible graphite sheets which may be resin-impregnated. Nothing in Mercuri teaches the production of such sheets with a non-uniform resin concentration, however, and certainly not a non-uniform concentration of resin across the thickness of the sheet (as now claimed in claim 1). Viewing the sheet of Mercuri as individual particles in order to reconstruct the non-uniform resin concentration across the sheet described and claimed in the above-

captioned application is an impermissible hindsight reformation of a reference that is clear on its face. This rejection should, therefore, be withdrawn.

Likewise, while Aylsworth relates to the production of flexible graphite sheets, nothing in the patent indicates there is a non-uniform resin concentration across a dimension of the sheets, and certainly not in the through-thickness dimension. Indeed, the Office Action does not cite to any of the Aylsworth disclose as assertedly including such a disclosure. Thus, Aylsworth also cannot anticipate the claimed invention and this rejection should be withdrawn.

The secondary references combined with Mercuri also do not contain any additional disclosure which would suggest the claimed invention of claims 6-12. there is simply no teaching in any of the cited art of providing a flexible graphite sheet having a non-uniform resin concentration, whether or not as part of a laminate. Accordingly, the rejections under 35 U.S.C. §103(a) should also be withdrawn.

As shown, nothing in the cited patents, even if combined, discloses or suggests the invention of any of claims 1, 3-6 or 8-12. Allowance of all of these claims is believed appropriate and is requested.

The remaining reference cited but not applied has been reviewed and is not deemed sufficiently pertinent to require additional comment.

CONCLUSION

Based on the foregoing amendments and remarks, it is believed that allowance of all pending claims 1, 3-6 and 8-12 is appropriate. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of these claims, the Examiner is requested to call the undersigned collect at 615.242.2400 to arrange for an interview which may expedite prosecution.

The Commissioner is authorized to charge any deficiency attendant to the filing of this response to Deposit Account No. 50-1202.

Respectfully submitted,



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